

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jerry L. Cagle,)	C/A No.: 2:09-115-JFA
)	
Plaintiff,)	
v.)	ORDER
)	
Michael J. Astrue,)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

This matter is before the court upon motion of the plaintiff's counsel, Anne Fant Bell, for attorney fees under the Social Security Act, 42 U.S.C. § 406(b). Counsel has submitted copies of the Notice of Award from the Commissioner and the signed Fee Agreement from the defendant. The Commissioner has responded to the motion indicating that he does not oppose the fee request.

Plaintiff's counsel petitions the court for approval of a court-related fee in the amount \$23,500 pursuant to the terms of a written contingent-fee agreement with the plaintiff. That contingent-fee agreement provides, in pertinent part, for the payment of attorney fees in the amount of 25% of all past-due benefits recovered. The actual amount withheld by the Commissioner was \$26,699.25.

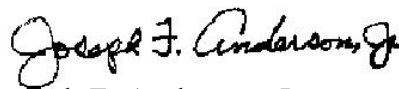
In the United States Supreme Court case of *Gisbrecht v. Barnhart*, 535 U.S. 780 (2002), the Court held that the provision of the Social Security Act limiting attorney fees to 25% of past-due benefits does not displace contingent-fee agreements that are within such

statutory ceiling, and instructs courts to review for reasonableness fees yielded by such agreements.

Upon review of the material submitted to the court, the undersigned finds that plaintiff counsel's request for attorney fees is reasonable. Therefore, it is ordered that the Commissioner pay reasonable attorney fees totaling \$23,500 to be drawn out of the 25% amount withheld from the plaintiff's past-due benefits.

IT IS SO ORDERED.

July 21, 2011
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge